

**FILED**  
**U.S. DISTRICT COURT**  
**EASTERN DISTRICT OF TEXAS**

APR 13 2005

DAVID J. MALAND, CLERK

BY  
DEPUTY

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

TORY LEE MILLER

§

V.

§

CIVIL ACTION NO. 6:05CV61

CITY OF ATHENS

§

ORDER OF DISMISSAL

Came on for consideration the above-referenced civil action, this Court having heretofore ordered that this matter be referred to the United States Magistrate Judge for proper consideration. Having received the report of the United States Magistrate Judge pursuant to its order, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the Court. It is therefore,

**ORDERED** that Petitioner's motion to proceed *in forma pauperis* is hereby **DENIED** and the above-styled case shall be and is hereby **DISMISSED WITHOUT PREJUDICE** from the docket of this Court.

All motions by either party not previously ruled on are hereby **DENIED**.

So **ORDERED** and **SIGNED** this 12<sup>th</sup> day of April, 2005.

  
MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE